

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 11217 OF 2024**

Ankush Sakharam Chavan And Anr

...Petitioner

*Versus*

The State Of Maharashtra And Ors

...Respondents

Mr. Narendra Bandiwadekar, Senior Advocate a/w. Mr. Vinayak Kumbhar,  
Mr. Rajendra B. Khaire, Mr. Aniket S. Phapale i/b. Ms Ashwini  
Bandiwadekar for the Petitioner.

Mr. S. H. Kankal, AGP for the Respondent Nos. 1 to 4-State

**CORAM : NITIN JAMDAR &  
M. M. SATHAYE, JJ.**

**DATED : 14 AUGUST 2024**

**P.C.:**

1. Heard learned counsel for the parties. Taken up for final disposal.
2. The Petitioner No. 1, working as a peon with a school run by the  
Petitioner No. 2-Education Institute, are jointly challenging the order dated  
2 December 2022 passed by the Respondent No. 2-Deputy Director of  
Education, Pune Region, Pune. By the said impugned order, the proposal to  
include the name of the Petitioner No. 1 in Shalath ID system has been  
rejected.
3. Learned Senior Advocate appearing for the Petitioners pointed out  
that while passing the impugned order, the approval granted to the  
appointment of the Petitioner No. 1 under order dated 11 January 2022

issued by the Respondent No. 3-Education Officer (Secondary), Zilla Parishad, Solapur itself has been canceled. He submitted that the impugned order is passed after the hearing dated 6 October 2021 conducted by the Deputy Director. He submitted that perusal of the minutes of the hearing dated 6 October 2021 does not indicate any case of fraud, misrepresentation or suppression. He submitted that in absence of these elements, review of the approval order is not permitted at the stage of entering the name of the school staff in Shalarth ID. He has relied upon the judgement in this Court in case of *Amol Baban Sangar vs. State of Maharashtra & Ors.*<sup>1</sup>

4. Perused the record. At the stage of entering the name in Shalarth ID system, the approval to the appointment is considered all over again by the Education Authority. Learned AGP could not distinguish the facts of the present case from the case law relied upon by the Petitioners.

5. In a recent case decided by this Court in the matter of *Ganesh Sidhanth Khilare vs. State of Maharashtra and Others*<sup>2</sup>, we have considered series of judgments including the judgment relied upon by the Petitioners and has followed the consistent view that at the stage of entering the name in the Shalarth ID system, review cannot be taken about the approval order, in absence of any fraud, misrepresentation or suppression being involved in the matter. We have time and again clarified that power of review can be exercised only in cases where fraud, misrepresentation or suppression are involved.

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1 Writ Petition No. 8966 of 2021 dated 21 February 2022

2. 2024 SCC OnLine Bom 960

6. In the present case, admittedly no such notice alleging grounds of fraud, misrepresentation or suppression was given to the Petitioners. The minutes of the hearing dated 6 October 2021 also does not indicate any such issue being considered or discussed. The above settled legal position has been ignored while passing the impugned order and therefore it cannot be sustained.

7. In that view of the matter the Petition succeeds. The impugned order dated 2 December 2022 is quashed and set aside. Needless to state that if at all any case of fraud, misrepresentation or suppression is involved while granting approval to the Petitioner No. 1 is to be probed, the Respondent No. 2-Deputy Director of Education, Pune Region, Pune will issue notice giving details to the Petitioners and take appropriate decision thereon after hearing the Petitioners, within a period of 6 weeks from today.

8. In case no such notice is issued and/or hearing conducted within the time stipulated it will be presumed that no such case exists and the Respondent No. 2-Deputy Director of Education, Pune Region, Pune shall enter the name of the Petitioner No. 1 in Shalarth ID system and the necessary consequential benefits will follow.

9. Writ Petition is disposed of in above terms.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)